



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,990	10/13/1999	CHRISTOPHER J. LOVETT	MSI-383US	8254

22801 7590 05/22/2003

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 05/22/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/417,990	LOVETT ET AL.
Examiner	Art Unit	
	Adam M Queler	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4, 14-17 and 22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4, 14-17 and 22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 October 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment A filed 3/19/2003
2. Claims 1-4, 14-17, and 22 are pending in the case. Claims 1, 14 and 22 are independent claims.

Election/Restrictions

3. Applicant's election without traverse of Group I in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 4, 14, 16, 17and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over XML Authority™ by Extensibility Inc, hereinafter Authority, and further in view Applicants Admitted Prior Art.**

Regarding independent claim 1, Authority discloses converting from schema to DTD (p. 1). Authority does not explicitly disclose validation and tree construction. Inherently, All XML documents must be parsed in order to be processed. It would have been obvious to one of ordinary skill in the art at the time of the invention to parse into schema element and data element because they are physically separate within the document, and because they are logically different components that serve different functions. Applicant admits that DTDs were used to validate data elements (p. 6, ll. 17-21). Applicant also admits that upon validation a data tree was constructed (p. 6, 13-16). It would have been obvious to one of ordinary skill in the art at

the time of the invention to combine Applicant's Admitted Prior Art with Authority to enable output to many types of standards (p. 3, "Diverse...").

Regarding dependent claim 4, the computer readable medium for performing the method of claim 1 is rejected under the same rationale.

Regarding independent claim 14, the architecture for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 16, the computer readable medium for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 17, the client/server for performing the method of claim 14 is rejected under the same rationale.

Regarding independent claim 22, the system for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 2, Authority discloses converting from schema to DTD (p. 1).

Inherent in converting is constructing the DTD objects. Official Notice is taken the calling a method in an API was a well-known method of executing a computer task. It would have been obvious to one of ordinary skill in the art at the time of the invention to call an API method to construct the DTD to provide an interface for programmers.

6. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Authority and Applicant's Admitted Prior Art as applied to claims 1 and 14 above, and further in view of Hickman et al. (USPN 6564252—filed 3/11/1999).

Regarding dependent claims 3 and 15, Authority is silent as to tables. Hickman et al. (Hickman) discloses tables of schemas c8.65-67. It would have been obvious to one of ordinary

skill in the art at the time of the invention to combine Hickman, Authority and Applicant's Admitted Prior Art in order to provide a place to store the schemas.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US-2003/0005410 A1 to Harless
- US-2002/0120685 A1 to Srivastava et al.
- US-6,446,256 B1 to Hyman et al.
- US-6,564,252 B1 to Hickman et al.
- "XML Authority" (C) 1999 Extensibility, Inc, retrieved by www.hotbot.com on 8/1/1999 from <http://www.structuredmethodsd.com/software.htm>
- Dougherty, XML Authority Ends Waiting Game for Schema Developers, <http://www.xml.com/pub/a/1999/07/xmla.html> 7/01/1999
- Chahuneau, "Beyond the SGML DTD," 2/2/1998 <http://xml.coverpages.org/chahuneauXML.html>

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

AQ
May 15, 2003

Heather
HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100